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SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

October 12, 1979

TO: All Commissioners and Alternates
FROM: Michael B. Wilmar, Executive Director

SUBJECT: BCDC CONSISTENCY CERTIFICATION NO. CC 23-79; PORT OF OAKLAND
(For Commission consideration on October 18, 1979)

Attached is the Staff Recommendation for Consistency Certification No. CC 23-79, submitted by the Port of Oakland, which requests Commission concurrence that the uses and activities in its proposed lease of approximately 30 acres of the Oakland Army Base are consistent with the Commission's Management Program for San Francisco Bay.

A public hearing was held on this matter on July 19, 1979. A Staff Summary of this Consistency Certification was mailed to all Commissioners and Alternates on July 6, 1979. Because more than five weeks have elapsed since the public hearing, the Commission's Regulations require a second public hearing. The Regulations also provide that in cases where the Commission holds an additional public hearing, the vote may occur at the same meeting.

Therefore, the attached Staff Recommendation will be formally presented to the Commission after the close of the scheduled public hearing.

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SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

October 12, 1979

TO: All Commissioners and Alternates
FROM: Michael B. Wilmar, Executive Director

SUBJECT: STAFF RECOMMENDATION ON CONSISTENCY CERTIFICATION NO. CC 23-79; PORT OF OAKLAND
(For Commission consideration on October 18, 1979)

The staff recommends the adoption of the following resolution:

The Commission CONCURS with Consistency Certification No. CC 23-79, of the Port of Oakland, as limited below. The findings upon which this decision is based are contained herein.

I. Work and Uses Proposed

The Port of Oakland requests concurrence in Consistency Certification No. CC 23-79 that the uses and activities proposed in the lease of an approximately 30-acre area of the Oakland Army Base (all but Items 5, 6, and 7 of the lease bid) are consistent with the Commission's Management Program for San Francisco Bay, as approved by the U. S. Department of Commerce, pursuant to the Federal Coastal Zone Management Act of 1972, as amended.

The proposed lease would include approximately 20.2 acres of open hardstand area, several warehouses, and approximately 8.5 acres of land improved with trackage. Surfaces would be paved with asphalt or improved as hardstands where required for tenants' operations; no new permanent buildings would be constructed. The Port of Oakland would sublease the proposed lease areas to others for container shipping support operations such as, but not limited to: container/chassis repair and storage; problem deliveries storage; off-terminal container yard for intermodal cargo; cargo assembly; bonded storage; export/import automotible storage and assembly; and processing center. The use of the proposed lease areas would be managed to allow some adjustment in use according to the changing needs of the water carriers and terminal operators at the Port of Oakland facilities.

II. Findings and Declarations

A. Federal Coastal Zone Management Act of 1972, As Amended. Under Section 307(c)(3) of the Federal Coastal Zone Management Act of 1972, as amended, "any applicant for a required federal license or permit to conduct an

activity affecting land or water uses in the coastal zone of [a] state" must submit a certification to the State that the proposed activity is consistent with the State's approved coastal zone management program. The proposed lease by the Department of the Army of portions of the Oakland Army Base is a "federal license or permit" for which Commission concurrence in the certification is necessary.

In its Management Program, approved by the U. S. Department of Commerce, the Commission defined its segment of the California coastal zone to be the area of BCDC's permit jurisdiction. Although the proposed lease area lies outside the area of BCDC's permit jurisdiction, it does lie within an area designated in the Bay Plan for port and related industrial uses. These and similar priority use designations were placed in the Bay Plan (which is the core of the Commission's Management Program) to reduce future pressures for filling the Bay by reserving shoreline sites particularly well-suited for the high priority, water-oriented uses identified in the Bay and the BCDC law. Therefore, the Commission hereby finds that the proposed lease of portions of the Oakland Army Base that are designated for port and related industrial uses will clearly "affect" the BCDC segment of the coastal zone because non-port and related industrial uses of the subject property will increase future pressures to fill the Bay.

B. The San Francisco Bay Plan. The Commission concurs that the proposed uses and activities contained in the bid of the Port of Oakland are consistent with the Commission's Management Program. The uses and activities constitute port or related industrial activities and are, therefore, consistent with the applicable Bay Plan policies and the priority use designation for the Oakland Army Base.

1. Bay Plan Policies and Map. Bay Plan Policy No. 6 on Ports (page 20) states, in part, that "Port areas on the shores of the bay should be able to include within their premises marine terminals and directly-related ancillary activities such as warehousing and other temporary storage, ship repairing, support transportation uses including trucking and railroad yards, freight forwarders, government offices related to the port activity, chandlers and marine services.. ." Furthermore, Bay Plan Policy No. 5 on Ports (page 20) requires that any additional port facilities required for special ship-to-train transferring, such as those now needed for container operations, should be provided with as little filling as possible. Bay Plan Map No. 4, as amended November 18, 1971, designates the proposed lease area for port-priority use. A Plan Map note states: "Oakland Army Base and Naval Supply Center - Some fill may be needed for Army Base. If and when not needed by military, first consider port and related industrial uses."

2. Consistency of the Proposed Bid. The proposed uses and activities of the Port of Oakland would involve container shipping support facilities at the Port of Oakland. Because these uses and activities consist of temporary storage, warehousing, freight forwarders, and support transportation uses needed to transfer cargoes to and from port areas, the Commission finds that this proposed use is a directly-related ancillary

activity to marine terminal use of the Port of Oakland. The proposed bid of the Port of Oakland will increase the capacity and efficiency of existing container terminals and will alleviate congestion problems at the Port. The use of most of the total lease area for these activities will reduce pressures for further fill at the Port by permitting the expansion of supporting facilities of the Port of Oakland at inland locations. Therefore, the Commission finds that the uses and activities proposed herein are consistent with the San Francisco Bay Plan, the McAteer-Petris Act, and the Commission's Management Program.

The consistency certification concurred with herein is for, and only for, the uses proposed for the lease areas by the Port of Oakland. While other uses not included in the certification may be consistent with the Commission's Management Program, such uses are not included in this concurrence and it is limited to the uses specifically proposed. If a Federal lease were obtained by the Port of Oakland that authorizes uses other than those certified herein, the Commission's ability to ensure compliance with this determination will be limited to costly and time consuming litigation and will require continual inspection of areas beyond the boundaries of the Commission's permit jurisdiction. This would burden the Commission's existing enforcement capabilities and would interfere with the administration of its Management Program. Therefore, the Commission specifically finds and declares that its concurrence with this consistency certification is limited to the issuance by the Army of a lease that:

a. Restricts the authorized uses of the leased premises to those uses specified in the consistency certification; and

b. Is subject to termination upon use for any other purpose unless another consistency certification is concurred in, by or on behalf of the Commission authorizing such uses.

C. Environmental Impact. Pursuant to the California Environmental Quality Act of 1970, and the Commission's Regulations, the Commission analyzed this concurrence in terms of the possible impacts on the environment. No significant short- and long-term adverse environmental impacts of this concurrence have been identified. No reasonable project alternatives were found which would have less adverse impact on the environment. In fact, by limiting the use of the proposed lease area to port-related activities, a beneficial environmental impact will occur in that such limitation would reduce the pressures for filling the Bay at the Port of Oakland. Furthermore, concurrence in this consistency certification would not cause an irreversible environmental change. Moreover, the Commission's concurrence, as limited herein, will provide that the uses and activities to occur in the leased area will be in conformance with the Commission's Management Program. Therefore, the Commission finds that this concurrence will not have a significant adverse impact on the environment.

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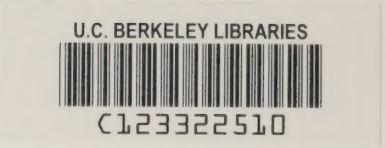

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